

REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

In the Office Action of April 27, 2007, the Examiner objected to the Drawings, as allegedly lacking the depiction of certain features; rejected claims 1-10, under 35 U.S.C §102(b), as allegedly being anticipated by Marvin '987 (U.S. Patent No. 6,761,987); and rejected claims 15-17, under 35 USC §103(a), as allegedly being unpatentable over Marvin '987 in view of Pratt '589 (U.S. Patent Pub. No. 2003/0194589).

By this Amendment, claims 1-10 and 15-17 have been amended to provide a clearer presentation of the claimed subject matter and claims 11-14 have been cancelled. Applicant submits that no new matter has been introduced by virtue of the new claims.

Insofar as the prior art rejections as still deemed relevant in view of the claim changes, Applicant traverses these rejections for the following reasons:

I. Prior Art Rejections Under §102(b) & §103(a).

As noted above, independent claim 1 is directed to an electronic apparatus and positively recites, *inter alia*, a processor configured to *execute power-off processing when an instruction to turn off a supply of power* to the electronic apparatus is given and that the power-off processing includes *determining whether a capacity of the secondary battery is smaller than a first value and, if the capacity of the secondary battery is smaller than the first value, instructing the fuel cell unit to charge the secondary battery using power supplied from the fuel cell and stop the charging operation of the fuel cell unit after charging has been completed*. Such features are amply supported by the embodiments disclosed in the written description. (See, e.g., Specification: page 15, line 26 – page 17, line 8; FIG. 8).

Applicant respectfully submits that, despite the Examiner's contentions, none of the asserted references, whether taken alone or in reasonable combination, teach or suggest each and every element of claim 1, including the features identified above. For example, Marvin '987 discloses that controller 40 activates a charger 32, which is coupled to the terminals of battery

22, to charge the battery 22, based on a monitored stack voltage that is provided by a cell voltage measuring circuit 36. (See, Marvin '987: col. 4, lines 41-46: FIG. 1). However, Marvin '987 specifically teaches that the charging operation is executed when the fuel cell voltage is below a threshold while *power is being demanded by the load 20* (i.e., electronic apparatus). (See, Marvin '987: col. 2, lines 51-54, 66-67 et seq.)

As such, Marvin '987 clearly fails to teach or suggest that the charging operation is executed *when an instruction to turn off a supply of power* to the electronic apparatus is given, as required by claim 1.

Along these lines, there is simply nothing in Marvin '987 that remotely teaches or suggests that the processor executes the power-off processing that includes *determining whether a capacity of the secondary battery is smaller than a first value and, if the capacity of the secondary battery is smaller than the first value, instructing the fuel cell unit to charge the secondary battery using power supplied from the fuel cell and stop the charging operation of the fuel cell unit after charging has been completed*, as also required by claim 1.

Moreover, Applicant submits that the remaining asserted reference, Pratt '589, does nothing to cure the deficiencies of Marvin '987 noted above and fails in its own right to teach the combination of elements of claim 1. That is, Pratt '589 merely discloses a display 250 that indicates the remaining capacity of a fuel cell. (See, Pratt '589: FIG. 2).

Thus, much like Marvin '987, Pratt '589 fails to teach or suggest that the charging operation is executed *when an instruction to turn off a supply of power* to the electronic apparatus is given, as required by claim 1. And, Pratt '589 also fails to teach or suggest that the processor executes the power-off processing that includes *determining whether a capacity of the secondary battery is smaller than a first value and, if the capacity of the secondary battery is smaller than the first value, instructing the fuel cell unit to charge the secondary battery using power supplied from the fuel cell and stop the charging operation of the fuel cell unit after charging has been completed*, as also required by claim 1.

For at least these reasons, Applicant submits that none of the asserted references are capable of anticipating or rendering claim 1 unpatentable. As such, claim 1 is clearly patentable.

And because claims 2-5 depend from claim 1, claims 2-5 are patentable at least by virtue of dependency as well as for their additional recitations.

Moreover, because independent claims 6 and 15 recited patentable features similar to claim 1, claims 6 and 15 are at least patentable for the same reasons presented relative to claim 1. And, because claims 7-10 and claims 16-17 depend from claims 6 and 15, respectively, claims 7-10 and claims 16-17 are patentable at least by virtue of dependency as well as for their additional recitations.

II. Conclusion.

All matters having been addressed and in view of the foregoing, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicant's representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 03-3975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

**PILLSBURY WINTHROP
SHAW PITTMAN LLP**

By: 

E. R. HERNANDEZ
Reg. No. 47641
Tel. No. 703.770.7788
Fax No. 703.770.7901

Date: July 12, 2007
P.O. Box 10500
McLean, VA 22102
(703) 770-7900